*Previous references.*

Same file Sls 142 B Feb 05

**File No.** 209 of 1904-05

**190 4**

(111 Courts)

*Later references.*

# GENERAL AND REVENUE SECRETARIAT.

## Serial Nos. 346

**PART B FOR** May 1905

SUBJECT.

Permission to Govt Advocate to plead before the Chief Court on behalf of Inspector Ramachandra Rao of the Chikballapur Taluk.

FILE No. 209 of 1904-05.

*Permission to Government Advocate to plead before the Chief Court on behalf of Inspector Ramachandra Rao of the Chikballapur Taluk.*

3 From the Inspector General of Police in Mysore, No. 6387—677, dated the 11th May 1905.

States that it was on the basis of Government Proceedings No 15749-50—J. 1559, dated the 23rd May 1905, that the Inspector requested the Government Advocate to defend him in the Chief Court, and requests that the Government Advocate may be directed to defend the Inspector in the said Court also.

4 To the Inspector General of Police, and the Government Advocate, No. J. 3417-18, dated 27th May 1905.

States that the previous order on the subject requires no modification, and that if he is successful, the costs will be borne by the opposite party and if otherwise he will deserve no relief under Government Order No. 15749-50—J. 1559, dated 23rd May 1901.

G. R. S

Govt. Progs. No. 15745-00—J. 1559, dated 23rd May 1901. B. Feb. 1905: Sls. 81—2 s ume file.

G. R. S. 11] 1904.

GENERAL AND REVENUE SECRETARIAT.

( Cons. )

NOTES.

File No. 209.

FILE HEADING.

Permission to the Govt Advocate to plead before the Chief Court on behalf of Inspector Ramachandra Rao of the Chickballapur Taluk.

From The Inspector General of Police in Mysore.

No. 6389/677 Dated 11/5/05 Received 13/5/05

Diary No. 2349 Enclos. 2 Spare Copies. — Serial No. 3

BRIEF ABSTRACT OF LETTER.

Forwards copies of Docket No. 401 & 2/5/05 from the Dt Munsif of Kolar and of its enclosure explaining the circumstances under which the Inspector requested the Govt Advocate to appear before the Ch Court & requests that under the circumstances the Govt Advocate may be directed to defend the Inspector in the Ch Ct. also.

NOTES AND ORDERS.

H. Y. & U.

The previous history of the case is contained in the office Note already put up—

Perhaps sanction may now be accorded to the defence of Ramachandra Rao before the Ch Ct. officially & the condition of his recouping [illegible]

NOTES—First sheet.

MGCPB—25,000—18-8-04

G.R.S. 12]
General and Revenue Secretariat.

File No. 109 of 1904

Serial No.

the charge incurred for the defence if he is proved to have been in the wrong.

Sgd with draft ords.

NES 19/5/05

When the order of 28-2-05 was passed, declining to permit the Govt. Adv. to appear for the respdts. in the Chief Court, it was not known (& there was nothing in the reffce on which the order was passed to show) that four years previously (i.e. in 1350) the defence of the suit in the lower Court at Govt. cost had been conditionally sanctioned.

3 It still seems to me that the later order was right & requires no modification. It will not prejudice the respdts, as, if successful in the appeal, his costs will be borne by the opposite party (Appts), and if the decree goes against him, he would deserve no relief in respect of costs.

4 Again, the two orders need not be viewed as conflicting, since the earlier one referred to the defence of the original suit in the lower Court, & the later to the defence of the appeal, in regard to which the principle of the Municipality that the matter was

NOTE.—Contd. sheet.

MGCPB—50,000—17-2-05

Serial No.

a private one between the parties introduced a new consideration.

5 Instructions are solicited as to the action to be taken -

Seen
18.5.05

6 For a draft accd.
15.5.1905

B. Lee.
27/5/05

Draft filed
23/5/05 SW 23/5/05

R. 23/5/05

7 Passed
25/5/1905

4. No 3417-18 dated 27/5/05. D. g. of. Police & the Govt Advocate. ~~states that the~~ states that the previous order requires no modification and that if he is successful the costs will be borne by the opposite party, if otherwise he will deserve no relief under govt order No 15749-50 d 23.5.05 & 1659

Courts ~~Office~~ 111 null 13/5/05

1904-05.

J2349

From

The Inspector General of Police

in Mysore.

To

The Secretary to the Govt. of

H. H. the Maharaja of Mysore.

Genl. & Rev. Departments.

Dated. 11th.

Despatched. 12 May 1905.

Received.

General No: 6387

No: 677

Enclosure No. 3

Re appearance of Govt: Advocate to defend Inspector Ramachendra Rao of the Chickballapur Fy in the Chief Court also as he was defended in the Lower Courts.

Office of the

No. 6387/677 E2 Inspector General of Police in Mysore.

Dated, Bangalore, 11th May 1905.

/2"

From.

F. E. C. Carr Esquire,

Inspector General of Police

in Mysore.

To.

B. K. Venkatavaradaiengar Esquire,

Secretary to the Government of His Highnes

The Maharaja of Mysore,

General & Revenue Departments.

Sir,

Reference :-

Government Proceedings No. J. 2487-8/P.209-2 dated 28th February 1905, refusing sanction for the appearance of the Government Advocate on behalf of Inspector Ramachandra Rao of the Chitballapur Taluk, and stating that the Inspector was wrong in moving the Government Advocate to appear without re-ference to the Head of the Department.

--------oOo--------

In forwarding herewith copies of docket No. 401 -- dated 2nd May 1905 and its enclosure from the Deputy Commis-sioner, Kolar District, I have the honor to invite attention to Government Proceedings No. 15749-50/J.1559 dated 23rd May 1901, in which sanction was accorded for the defence of the Inspector at Government cost, subject however to his bearing the cost in case he is proved to be in the wrong.

The action of the party against the Inspector ended favourably to the latter in the court of the Munsiff and also of the Sub-Judge. As an appeal has now been preferred again-

against the order of the lower court to the Chief Court, the Ins--pector evidently on the authority of the Government order quoted above requested the Government Advocate to defend him in the Chief Court as he had done in the lower courts.

Under the circumstances represented by the Deputy Com--missioner, I consider it only fair that he should be defended in the Chief Court and therefore request that you will be so good as to move Government to direct the Government Advocate to defend the Inspector in the Chief Court.

I have the honour to be,

Sir,

Your most obedient servant,

Inspector General of Police.

1904-05.

From

K.P. Puttanna Chetty Esquire,

Deputy Commissioner,

Kolar District.

To

F.E.C. Carr Esquire,

Inspector General of Police,

in Mysore.

Dated 29-4-05.

Despatched 2-5-05.

Received.

General No. 401.

No.

Enclosure No. 2.

Sir,

With reference to your letter N 5142/207 dated the 10th March 1905, I have the honour to forward herewith in original the explanation of Inspector Ramachandra Rao of the Chikballapur Taluk for his having directly requested the Government Advocate to appear on his behalf in Civil Second Appeal no. 85 of 1904-05 on the file of the Chief Court. Inspector Ramachandra Rao seems to have been under the impression, that as Government had sanctioned his defence in the lower courts at Government cost, no further sanction was necessary. If the judgment of the Munsiff is to be deemed conclusive, then the Inspector will not be entitled to be further defend-

-ed

4

defended by Government. Otherwise I request the favour of your kindly moving the Government to request the Government Advocate to appear for him in the Chief Court.

I have &c.

( Sd.) C. Syeduddin Hussain.

For Deputy Commissioner.

" C O P Y "

Inspector General of Police.

4

Report.

With reference to order no. A. dated 20th instant from the District Office, on the I. G:s docket No. 5142/207 dated 10th March 1905, directing me to explain how I moved the Government Advocate to appear for me in Civil Second Appeal No. 85 of 04-05, I humbly beg to submit that the Government were graciously pleas--ed to sanction Government defence, on my behalf, in order No. 15749-50/J.1559 dated 23rd May 1901, considering it necessary to do so, as the acts alleged to have been committed by me, arose in the course of my duties, in my official capacity. To put the facts of the original case briefly, I submit that I investigated into a case of theft preferred by one Seetharamiah in Thya--magondlu of the Nelavangala Taluk, Bangalore District, when I was there in 1900. During the investigation of the case one Rajasamiah was also present with the complainant and interrupted my investigation by instructing the complainant to answer questions put by me to him. I warned him twice or thrice but to no purpose. I directed Duffedar Venkappaiah who was with me to send him out. As soon as Duffedar Venkappaiah told him that unless he quitted the place, steps would be taken to prosecute him - he left the place. Then he filed the present suit for damages against me and the Duffedar stating that we abused him and pushed him out.

In both the lower courts of the Munsiff and that of the Sub-Judge, the suit was decided in my favour and it is now on second appeal in the Chief Court. I beg to annex hereto, a copy of the Government Proceedings above quoted and from the same it may be kindly seen that the Government on a full consideration of the fact, sanctioned Government defence. The only condition -- imposed in the order was that if we " should be proved to have been in the wrong, the charge incurred by Government must be re--couped " from us. Two courts have held that the suit is not maintainable and have thrown it out. So, the mere fact of the Munsiff having remarked in his judgment that the acts complained of must be held to have arisen in our capacities as ---

private

private individuals, does not and cannot make the order of the Government null and void. The order holds good until the case is decided finally by all the courts. The opinion ex--pressed by the Munsiff in this respect is liable to be viewed otherwise by the higher courts. The point at issue was whe--ther the suit was maintainable and not whether the defendents were entitled for Government defence and whether the Governm-ment was right in having accorded sanction to have the suit defended at Government cost.

I received a summons from the Chief Court to appear in person or through my pleader during the hearing of the appeal which had been fixed to the 11th January 1905. Under the -- impression that the Government defence once sanctioned, holds good throughout, I merely wrote to the Government Advocate in--timating to him of the receipt of the summons and requesting him to advise me as to how to act in the matter, as I used to do, during the hearing of the suit in the lower courts, and he replied to me that I should send the summons through my Superintendent of Police with a requisition for his appearance. He further informed me that he would put in his appearance on the 11th January 1905 and move for an adjournment, until the formal requisition is received, as the date of the hearing was very near. I submitted a special report No. 592 dated 3rd. January 1905 to the Superintendent of Police, enclosing the Government Advocate's letter, to move the Government Advocate to appear for me. If the Government Advocate had written to me that he could not even move for an adjournment in the absence of a requisition, I would have myself appeared before the Chief Court, and moved for the same. Thus it may be -- kindly seen that I did not move the Government Advocate direct, to appear for me in the Chief Court, as found fault with me in the Government Order under reference and I beg to submit that I have done nothing wrong.

Furthermore, I beg that the Assistant Superintendent of Police and the Deputy Commissioner may be graciously pleas--ed

pleased, under the circumstances represented above, to move the Government, through the Inspector General, for a reconsideration and cancelment of their Government Order No. 2487-8/C.209-2 dated 28th February 1905 and to accord sanction for the appearance of the Government Advocate on my behalf, in the Chief Court to de--fend the suit, for which act of justice I shall evr feel grateful.

24th April 1905. (Sd.) K. Ramachandra Rao.
Inspector.

"C O P Y."

Inspector General of Police.

Copy of Government Proceedings No. 15749-50/J.1559 dated 23rd. May 1901, sanctioning the Inspector General's proposal to defend at Government cost the suit for damages brought by one Rajasamiah against Police Inspector Ramachandra Rao and Duffedar Venkappaiah of the Nelamangala Taluk with the proviso that if the Inspector and the Duffedar in question, should be proved to have been in the wrong, the charge incurred by the Government, must be recouped by them.

"C O P Y."

( Sd.) K. Ramachandra Rao.

Inspector.

----------oOo----------

"C O P Y."

Inspector General of Police.

G.R.S. 28]

**File No.** 209

**Serial No.** 4.

*Diary No. of letter replied to* _____

*Proceedings of the Government of His Highness the Maharaja of Mysore.*

GENERAL AND REVENUE SECRETARIAT.
(Jus)

, the 27/5/1905

Date of issue 27/5/05

Signed by Asst P.S. Secretary

READ.—

Govt Order No. J 2487-8 & Mr C 209-2 18th February 1905, requiring sanction for the appearance of the Govt Advocate before the Chief Court on behalf of Inspector Ramachandra Rao of the Chickballapur Circle and stating that the Inspector was wrong in moving the Govt Advocate to appear for him without reference to the Head of the Dept.

ORDER THEREON.—No.

2. Letter No. 6387/677 dated the 11th May 1905, from the Inspector General of Police in Mysore forwarding

over

SUBJECT

MGCPB—5,000—21-6-04

10

Copies of Docket No 401 of the 2nd May 1905, from the Deputy Inspector of Police enclosing explaining the circumstances under which the Inspector requested the Govt Advocate to appear for him before the Chief Court & requesting that in view of the remarks recorded by Govt in their Proc No 1579-50 J dt 27/5/05 & the 23rd May 1907 the defence of the Inspector before the lower court at Govt cost, Govt Advocate may be directed to defend the Inspector in the Chief Court also.

Order Noted:— J 3417-18 dt 27/5/05.
C 2094

In a careful consideration of all the circumstances, the Govt are of opinion that the order first read requires no modification. This order will in no way prejudice the Inspector, as, if successful in the appeal, his costs will be borne by the

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

opposite party and if the decree
goes against them, he would decree
no relief in respect of Costs, under
Govt order No. 15745-50/J1555 dated
23rd May 1907.

25.5.1905

23/5/05

Secretary

To the Inspector General of Police at Bgore
The Govt Advocate at Bgore

23/5/05 23/5/05

for

Copied by. dd. 26/5/05.

Examined. SN 26/5/05